

REMARKS

As a result of the forgoing amendments, a typographical error in the specification has been corrected and claims 1, 7, 9, 11, 16, 20, 25, 47, 48 and 53 are amended. Claims 2, 4-6, 17-19, 21-24 and 26-44 were previously canceled. Accordingly, claims 1, 3, 7-16, 20, 25 and 45-53 are now pending. Claims 1, 7, 9, 16, 20, 25 and 53 are amended to remove the abbreviation “MIF1” objected to by the Examiner and clarify that the name of the protein of the claims is “upstream serine threonine kinase interacting forkhead associated protein”, which is abbreviated “MEKK interacting FHA protein”, because “upstream serine threonine kinase” is abbreviated in the art as MEKK (see specification, page 1, line 23) and “forkhead associated protein” is abbreviated in the art as FHA (see specification, page 2, lines 23-28). Claims 11 and 48 are amended to correct the preamble so that they specify a composition. Claim 48 is further amended to correct a typographical error in its dependency. Claim 47 is amended to correct a typographical error. No new matter is presented by these amendments.

Entry of these amendments after the final Office Action is appropriate because they place the application in condition for allowance, or, at the very least, reduce the number of issues for appeal. In particular, these amendments remove from all pending claims the objected-to abbreviation “MIF1” and overcome all other 35 U.S.C. §112 rejections. Accordingly, entry of these amendments after a final Office Action is respectfully requested and proper.

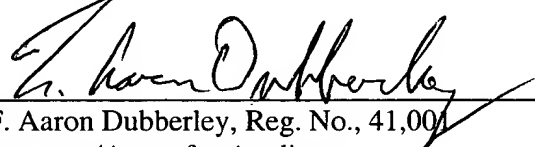
Reconsideration and withdrawal of the objections to claims 1 and 20 are respectfully requested. As shown on page 1 of the specification, in line 23, MEKK is an abbreviation used in the art to represent the protein “upstream serine threonine kinase”. Accordingly, the abbreviation is proper as presented and defined in claims 1 and 20.

Reconsideration and withdrawal of the rejections of claims 1, 3, 7-16, 20, 25 and 45-53 under 35 U.S.C. §112 are respectfully requested. Claims 1, 3, 7-16, 20, 25 and 48-53 no longer contain the term “MIF1”, which was the basis of the second paragraph 35 U.S.C. §112 rejection. Claim 48 has been amended to correct the typographical error in its dependency. Claims 11 and 48 have been amended so that the preamble recites a composition, not a plasmid, as suggested in the final Office Action on page 3.

Reconsideration and withdrawal of the rejection of all pending claims under 35 U.S.C. §102(a), as being anticipated by Ren et al., are respectfully requested. Applicants submit herewith a declaration by inventor Christophe Marcireau demonstrating that applicants possessed the sequence disclosed by Ren et al prior to September 10, 1997. The declaration includes copies of the sequencing data as attachments. September 10, 1997 is well before Ren et al was published in 1998. Accordingly, Applicants have properly sworn behind the publication date of Ren et al, and Ren et al is not prior art against this application under 35 U.S.C. 102(a).

The application is now in condition for allowance, and Applicants respectfully request prompt notice thereof.

Respectfully submitted,


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